

DIST/OFFICE	DOCKET YR.	NUMBER	FILING DATE MO. DAY YEAR	J	N/S	O	R	H 23	\$	DEMAND OTHER	JUDGE NUMBER	JURY DEM.	YR.	DOCKET NUMBER
1085/4	76	0642	12 27 76	4	(East. Dist. of Okla.)	380	5			800	8510	P	76	0642-C

PLAINTIFFS

DEFENDANTS

H. A. CHAPMAN d/b/a  
H. A. CHAPMAN INVESTMENTS  
DONNE W. PITMAN and  
MARY KATHRYN CHAPMAN, Executors  
of Estate of H.A. Chapman, decd.  
(Per Order 9-18-79)

AMF TUBOSCOPE, INC.

CAUSE

28 U.S.C. 1332(a)(1) - action for damages resulting from negligent performance of Service Contract

Fred S. Nelson

ATTORNEYS

~~Mack Muratet Braly~~ HALL, ESTILL, HARDWICK, Dan A. Rogers  
4100 Bank of Okla. Tower GABLE, COLLINGS- 117 E. 5th  
One Williams Center WORTH & NELSON Tulsa, 74103  
Tulsa, OK 74103 74172 583-5111  
~~588-2700~~ 588-2653  
~~582-2806~~

Gregor F. Gregorich  
Rogers, Hoge & Hills  
90 Park Avenue  
New York, NY 10016  
212-953-9200

Mack Muratet Braly  
MACK MURATET BRALY & ASSOCIATES  
Suite 840  
320 S. Boston  
Tulsa, OK 74103  
582-2806

John E. Barry  
James L. Kincaid  
Douglas L. Inhofe  
Conner, Winters, Ballaine, Barry  
McGowen  
2400 First National Tower  
Tulsa, OK 74103  
76 5

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HERE  
IF CASE WAS  
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FILING FEES PAID

DATE	RECEIPT NUMBER	C.D. NUMBER

STATISTICAL CARDS

CARD DATE MAILED  
JS-5 1-1-77 (6-1-78)  
JS-6 12-1-77 (1-1-79)

DATE	NR.	PROCEEDINGS
12-27-76	1.	Transcript of proceedings transferred from East. Dist. of Okla., filed. (Case at issue and ready for ruling on pltf's mo/compel further answers to interrog.)hm
12-28	2.	Order, filed, that mo/compel is moot, and no award of expenses shall be made. (HDC-J)hm (copies mailed)
<u>1977</u>		
1-6	3.	Answers to interrogatories by def., filed. rm
1-24	MO:	Case set for PT hearing 3-11-77 at 2:00 p.m. (HDC-J)hm
2-16	4.	Pltf's notice to take deposition of AMF Tuboscope, by deposition of Michael Domangue, Employee on 3-3-77 at Morgan City, LA, filed. ph
2-16	5.	Pltf's notice to take deposition of deft. by taking depos. of Anthony Little, Employee on 3-1-77 at Pampa, TX, filed. ph
2-16	6.	Pltf's notice to take depos. of deft. by taking depos. of Hubert A. Deem, Employee on 2-28-77 at Tulsa, OK, filed. ph
2-17		Return on deposition subpoena, filed. Served Hubert A. Deem on 2-16-77 in Tulsa, Okla. hm
3-10	7.	Pltf's proposed PT order, filed. ph
3-11	MO:	PT hearing held. Statements made. Parties announce disc. almost complete. Deft. allowed to amend ans., & to include it in PT order. Pltf. to prepare PT order by 5-13 and case set for N/J trial 6-1-77 at 9:30 a.m. Deft. to file brief on limits of liability by 4-1; pltf. to respond within 10 days thereafter. Parties to advise Court by 3-14 whether or not jury will be waived, & if so, trial date will remain as indicated on 6-1. Exhibits to be marked & identification waived prior to trial. (HDC-J)hm (EST-2 days)
3-15	MO:	Parties having advised that each waive jury, case is set for N/J trial 6-1-77 at 9:30 a.m. (HDC-J)ph
3-16	8.	Pltf. first interrogatories to def., filed. rm
4-1	9.	Deft's first interros. to pltf. pursuant to FRCR Rule 26(b)(4), filed. ph
4-1	10.	Brief of deft. AMF Tuboscope, Inc. in support of exculpatory clause, filed. ph
4-13	11.	Pltf's third set of interros directed to deft, filed. ph
4-13	12.	Pltf's resp. brief on the issue of the Exculpatory clause affirmative defense, filed. ph
4-14	13.	Ansers by def. to interrogatories, filed. rm
4-26	--	Deposition of Hubert A. Deem taken on 3-31-77, filed. (E.E.Rutherford-CSR) ph (\$160.50 pd by pltf.)
5-2	--	Deposition of Donald B. MacDonald taken by Shirley M. Houston, filed. njb
5-2	--	Deposition of Sam Hines taken by Shirley M. Houston, filed. njb
5-2	--	Deposition of John A. Sonnier taken by Shirley M. Houston, filed. njb
5-2	--	Deposition of Robert E. Briggs, Jr., taken by Shirley M. Houston, filed. njb
5-2	14.	Pltf's ans. to interros., filed. ph
5-10	MO:	Parties are given until May 25 to file trial briefs and proposed F/F and C/L. (HDC-J)ph ltr mld
5-11	15	Deft. Appl. for ext. of time to ans. interrog. fld. O to J. ho
5-12	16.	Pltf's supplemental ans. to interros., filed. ph
5-12	17	Order, filed, granting deft. until 5-19-77 to answer interros. (HDC-J)k mld
5-13	18.	Pltf's appl. for ext. of time to file PT Order, filed. ph
5-17	--	Order a part of appl. granting pltf. until 5-20-77 to file pre-trial order. (HDC-J)ph cps mld

## CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>76-C-642-C</u>
H. A. CHAPMAN, etc.		AMF TUBOSCOPE, INC.	PAGE <u>3</u> OF <u>2</u> PAGES
DATE	NR.	PROCEEDINGS	
<u>1977</u>			
5-19	19.	Ans. to pltf's third set of interrogs., filed. ph	
5-19	20.	Pltf's motion for leave to amend the complaint w/affidavit of Mack Muratet Braly, filed. ph	
5-20	MO:	It is ordered by the Court that the deft. file a resp. brief within 10 days to pltf's motion for leave to amend the complaint. (HDC-J)ph ltr mld	
5-20	21.	Appl. of deft. to strike case from N/J docket of 6-1-77, filed. ph (O to J)	
5-23	22.	Order, filed, striking case from N/J docket of 6-1-77, to be reset at a later date. (HDC-J)ph cps mld	
5-23	23.	Pretrial order, filed. (HDC-J)ph	
5-23	MO:	Parties are advised that since case is stricken from N/J docket of 6-1-77, pre-trial briefs, etc. will not be due until 10 days prior to new trial setting. (HDC-J)ph parties called	
5-31	24.	Resp. of Deft. AMF Tuboscope, Inc. to pltf's mo/leave to amend complt., filed. ph	
6-8	--	Deposition of John W. Watkins taken at Houston, TX, filed. (S.M. Houston, Officer)ph	
6-13	MO:	Case set for N/J trial 7-18-77 at 9:30 a.m. (HDC-J)hm (notices mailed)	
6-13	25.	Deft's appl. to reopen discovery, filed. ph	
6-13	MO:	It is ordered by the Court that the pltf. file a resp. brief within 7 days to deft's appl. to reopen discovery. (HDC-J)ph ltr mld	
6-13	26.	Pltf's memo. of law in reply to deft's brief opposing motion for leave to amend, filed. ph (O to J) (Copy of amended complaint attached)	
6-15	27	Pltf. brief in opposition to Deft. appl. to reopen discovery. fld. ho	
6-23	MO:	Ordered that deft's applic. to reopen discovery is granted until 7-2-77. (HDC-J)hm (parties notified by phone)	
6-24	28.	Deft's notice to take depositions of Virgil Johnson and Roland Adams on 6-29-77 at 10:00 a.m. at Tulsa, OK, filed. ph Sub. issued.	
6-24	29.	Deft's appl. to proceed under Rule 26(b)(4)(A)(ii), filed. ph (O to J)	
6-27	30.	Order, filed, allowing deft. to proceed under R. 26(b)(4)(A)(ii) & take depositions of diverse experts of pltf. (HDC-J)hm (copies mailed)	
6-27	--	Subpoena, ret & filed: Served Virgil Johnson on 6-27-77 at Tulsa, OK; Served Roland Adams on 6-27-77 at Tulsa, OK. (USM \$4.00)ph	
6-28	MO:	Hearing held in chambers at req. of pltf. re Court's order of 6-27 permitting further discovery by deft. Court allows deft. to take requested expert depositions & upon req., will allow pltf. to do the same. (HDC-J)hm	
6-30	31.	Order, filed, overruling pltf's motion for leave to amend the complaint. (HDC-J)ph cps mld	
7-8	32.	Pltf. proposed FF/CL, filed. rm	
7-8	33.	Pltf. trial brief, filed. rm	
7-8	34.	Deft. proposed FF/CL, filed. rm	
7-8	35.	Deft. trial brief, filed. rm	
7-15	36.	Stipulation of parties re exhibits in the trial., filed. ph	
7-18	37.	Pltf's motion re sequestration, filed in open court. hm	
7-18	38.	Pltf's motion to reconsider, filed in open court. hm	

## CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. _____
			PAGE <u>4</u> OF <u>2</u> PAGES
DATE	NR.	PROCEEDINGS	
7-20-77	MO:	Case tried to the Court July 18,19&20. Parties announce ready. Mack Braley admitted to the Bar of this Court on motion of Kevin Hayes. Oath administered. Deft's oral motion that statement of witness Mike Dominique be submitted for deft's inspection, granted. Pltf's mo/reconsider overruled. Pltf's mo/sequestration complied with by deft. Pltf. makes opening statement. Deft. defers same until close of pltf's case. Pltf. presents case in chief w/test. of witnesses & introduction of exhibits. Deft's mo/dismiss for failure to have all necessary parties in lawsuit overruled. Parts of depos. of John Sonnier offered by pltf. & received into evidence. Other parts of same depos. offered by deft. & objected to by pltf. Court takes ruling on admissibility under advisement. Pltf. rests. Deft. presents case in chief w/test. of witnesses & introduction of exhibits. Deft. makes offer of proof in regard to Mike Dominique's testimony. Court accepts offer of proof over no obj. from pltf. At completion of test. of Geo. Fort., pltf's mo/strike said test. overruled. Deft. rests. Pltf. presents rebuttal evid. w/test. of witnesses & rests. Parties rest. Parties given until 8-5-77 to file any amended suggested F/F & C/L & briefs, if desired, & to do so simultaneously. Case taken under advisement. (HDC-J)hm	
7-20		Trial exhibits, filed. (with file)hm	
7-22	39	Pltf's motion for order to amend pleadings to conform to evidence adduced at trial, filed.k O to J	
7-26	40	Pltf. suppl. proposed FF/CL, filed. rm	
7-27	41.	Order, filed, that pleadings in this case be amended to conform to the proof adduced at trial w/o obj., in accordance with Fed. Rules of Civil Procedure 15(b). (HDC-J)ph cps mld to movant	
8-5	42.	Deft's suppl. to its proposed F/F and C/L, filed. ph	
8-5	43.	Deft's suppl. trial brief, filed. ph	
8-11	44	Objections and Response of Pltf. to Deft's. Suppl. trial brief filed.ra	
8-25	MO:	Parties are granted 20 days to file agreement or suggestions as to the present worth of future damages. (HDC-J)ph ltr mld by HDC's office.	
9-13	45.	Deft's appl. for ext. of time to file suggestions as to present worth of future damages, filed. ph	
10-26	46.	Deft's sugg. as to present worth of future damages, fld. mm	
10-26	47	Pltf's sugg. as to present worth of future damages, fld. mm	
11-2	MO:	Upon req. of pltf. & no obj. from deft., pltf. is allowed to withdraw pltf's exhibits 45 & 46, & substitute copies. (HDC-J)hm	
11-8	48.	Findings of Fact and Conclusions of law, filed and entered. (HDC-J)hm (copies mailed)	
11-8	49.	Judgment, filed and entered, that judgment be entered in favor of pltf. and against deft. in amt. of \$558,500.00. (HDC-J)hm (copies mailed)	
11-14	--	Reporter's transcript of proceedings had on 7-18-20, 1977, N/J trial, Volume I, Pages 1 thru 167, filed. ph	
11-14	--	Reporter's transcript of proceedings, N/J trial, Volume II, Pages 168 thru 378, filed. ph	

## CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>76-C-642-C</u>
H. A. CHAPMAN, etc.		AMF TUBOSCOPE, INC.	PAGE <u>5</u> OF <u>3</u> PAGES
DATE	NR.	PROCEEDINGS	
<u>1977</u>			
11-16	50.	Deft's appl. for ext of time to file brief in support of mo/new trial filed. ph	
11-16	51.	Order, filed, that deft. is granted 15 days to file brief in support of mo/new trial. (HDC-J)ph cps mld by deft. counsel	
11-16	52.	Deft's motion for new trial, filed. ph	
12-1	53.	Deft's memorandum of law in support of mo/alter or amend the judgment or for new trial, filed. hm	
12-1	MO:	Ordered that pltf. file a resp. brief within 10 days to the deft's motion for new trial. (HDC-J)hm (letter written)	
12-8	54.	Deft's request for oral argument, filed. hm	
12-9	55.	Pltf's appl. for ext of time to resp. to defts' mo/alter or amend judgment or for new trial, filed. ph (O to J)	
12-12	56.	Order, filed, that pltf. is granted until 1-15-78 to resp. to deft's mo/alter or amend judgment or for new trial. (HDC-J)ph cps mld	
<u>1978</u>			
1-13		Pltf's brief in oppos. to deft's mo/alter or amend judgment or for a new trial, filed. ph	
1-16	MO:	Upon pltf's oral applic. & no obj. from deft., the pltf's brief in oppos. to deft's mo/alter or amend judgment or for a new trial filed on 1-13-78 may be withdrawn & a new brief substituted therefor. (HDC-J)hm	
1-17	57.	Pltf's brief in oppos. to deft's mo/alter or amend judgment or for a new trial, filed. hm	
1-19	58.	Appl. of deft. for ext. of time to file reply brief to pltf. oppos., filed.rm(0)	
1-19	59.	Order, filed, granting deft. until 2-7-78 to ans. pltf's brief in opposition to deft's mo/alter or amend judgment or for new trial. (HDC-J) cps to movant	
2-8	60.	Appl. of deft. for ext of time to file reply brief, filed. ph (O to J)	
2-8	61.	Order, filed, that deft. AMF Tuboscope is granted until 2-13-78 to file reply to pltf's brief in oppos. to deft's mo/alter or amend judgment or for a new trial. (HDC-J)ph cps to movant	
2-10	62.	Deft. suppl. memo of law in reply to pltf. brief & in support of deft mo/alter or amend judg. or for new trial, filed. rm	
2-13	63.	Deft's appl. to withdraw portion of brief, filed. ph (O to J) (w/original substitutions)	
2-13	64.	Order, filed, that deft. is allowed to withdraw pages ii & iii of index to deft. suppl. memo of law in reply to pltf. brief, etc., filed 2/10/78, and substitute pages ii & iii.(HDC-J)rm (sheets sub.)	
2-17	MO:	Case set for oral arguments 3-30-78 at 2:00 p.m. (HDC-J)hm (notices mailed)	
3-7	MO:	Upon oral applic. of deft. & agreement of pltf., case is stricken from hearing on 3-30-78 and <u>RESET FOR ORAL ARGUMENTS ON 3-17-78 at 1:30 P.M.</u> (HDC-J)hm (notices mailed)	

## CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>76-C-642-C</u>
H. A. CHAPMAN		AMF TUBOSCOPE, INC.	PAGE <u>6</u> OF <u>3</u> PAGES
DATE	NR.	PROCEEDINGS	
3-17-78	MO:	Hearing held on def't's mo/new trial. Gregor F. Gregorich admitted for purposes of this case, upon mo. of Dan Rogers. Oath administered. Arguments made by counsel. Court overruled mo/new trial as it relates to items dealing w/exculpatory clause & all other grounds, but sustains motion as to issues raised in Paragraphs 9&10 of motion dealing w/costs of secondary recovery & future damages & reopens judgment for purpose of taking testimony in regard to those items only. Hearing to be set on said issues after 30 days. Def't. states he may request permission to certify question of ruling on exculpatory clause. Pltf. to prepare order on hearing. (HDC-J)hm	
3-23	--	Reporter's partial transcript of proceedings had on 3-17-78, Oral Arguments, filed. ph	
4-28	65.	Appl. of Dan A. Rogers to withdraw as atty. for def't., filed. rm	
4-28	66.	Appl. of W. Michael Hill to withdraw as atty. for def't., filed. rm	
5-2	--	Reporter's transcript of proceedings had on 4-17-78, Oral Arguments, filed. ph (pp. 1-69)	
5-2	67.	Order, filed, that mo/def't. to alter or amend judgment or in the alt. for a new trial be overruled; further that the record be re-opened for the purpose of taking additional testimony for various matters. (HDC-J)ph cps mld	
5-23	68.	Notice of entry of appearance of John E. Barry, James L. Kincaid, and Douglas L. Inhofe as new counsel for def't.; and def't's request for pretrial conf., filed. ph	
5-23	69.	Order, filed, that Dan A. Rogers is permitted to withdraw as atty of record for def't., (HDC-J)ph cps mld	
5-23	70.	Order, filed, that W. Michael Hill is permitted to withdraw as atty of record for def't. (HDC-J)ph cps mld	
6-2	MO:	CASE SET FOR PT HRG. 8-1-78 at 11:30 a.m. (HDC-J)hm	
7-14	MO:	CASE STRICKEN FROM PT HRG. 8-1-78 AND RESET 7-26-78 at 1:30 p.m. (HDC-J)hm	
7-25	71	Joint memo. for use at PT conf., fld.ra	
7-26	MO:	Pre-trial hrg. held. Statements made. Def't. to file brief within 10 days; pltf. to file resp. brief by 9-1-78. Def't's req. to reopen discovery granted over obj. Case to be set for N/J trial at later date. Def't. to prepare order on hrg. (HDC-J)hm	
7-28	--	Transcript of proceedings had on 7-26-78 before Judge H. Dale Cook, fld. (TGB-CR)ra. 27 pages.	
8-7	72.	Def't's brief in support of def't's objectives of proof at the re-opening of record, filed. hm	
8-31	73	Pltf's brief in oppos. to def't's objectives of proof at re-opening of record, fld.ra	
9-11	74	Def't's brief in reply to pltf's brief opposing def't's objectives of proof at re-opening of record, fld.ra	
3-26-79	MO:	Case set for N/J trial 5-29-79, 9:30 A.M. Trial briefs, sugg. F/F & C/L due on or before 5-18-79. (HDC-J)b nts mld	

## CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>76-C-642</u>
H. A. CHAPMAN d/b/a H. A. CHAPMAN INVESTMENTS		AMF TUBOSCOPE, INC.	PAGE <u>7</u> OF <u>4</u> PAGES
DATE 1979	NR.	PROCEEDINGS	
5-18	75	APPL/EXT by deft. until 5-23-79 to file proposed F&C and trial brf.k (O)	
5-21	76	ORDER granting deft. until 5-23-79 to file proposed F&R & trial brf. (HDC-J)k cps/mvt	
5-25	77	TRIAL MEMORANDUM of pltf. on reopening record.k	
5-29	78	AMENDED TRIAL MEMO of pltf. on reopening record.lm	
5-29		USM SERVICE of subs: served Lee Keeling & Assoc. 5-22-79; sub. to Gordon Romine unserved at req. of counsel. (\$2.00)g	
5-29	MO:	NON-JURY TRIAL. Parties rep. Pltf. & deft. put on evidence w/test. of witnesses & introduction of exhibits. Parties directed to file sugg. F/F & C/L within 15 days after filing of transcript; 10 days thereafter to respond. Parties to advise Court if they wish to make oral arguments. (HDC-J)hm	
5-29		TRIAL EXHIBITS. (with file)hm	
6-13	--	TRANSCRIPT of non-jury trial held 5-29-79. PP 1 - 204. (TGB-USCR)k	
7-2	79.	PLTF'S SUGGESTED supplemental F/F & C/L. hm	
7-2	80.	PLTF'S POST-TRIAL brief in support of judgment. hm	
7-3	81.	DEFT'S BRIEF in support of its proposed F/F & C/L. hm	
7-3	82.	DEFT'S PROPOSED F/F & C/L. hm	
7-12	83	APPLICATION of pltf for ext of time to file reply brief.ra (0 to be i	
7-16	84	ORDER granting pltf. until 7-19-79 to reply to deft's post-trial brf. (HDC-J)k cps/mvt	
7-19	85.	BRIEF of deft. in response to pltf's suggested suppl. F/F & C/L & pltf's brief in support of judgment.k	
7-19	86	REPLY BRIEF of pltf. in support of judgment.k	
9-12	87	SUGGESTION of death of pltf. by Executors of Estate.k	
9-12	88	MOTION for substitution of Donne W. Pitman & Mary Kathryn Chapman, Executors of the estate of pltf., in place & stead of pltf.k O	
9-18	89	ORDER, that Donne W. Pitman & Mary Kathryn Chapman, Executors of Est. of H.A. Chapman are hereby substituted as Pltf. in place & stead of H.A. Chapman, deceased.(HDC-J)b cps mov	

## CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. _____
DONNE W. PITMAN et al.		AMF TUBOSCOPE	PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
1979 10-1	90	SUPPLEMENTAL FF & CL.(HDC-J)ra c/m	
10-1	91	JUDGMENT, entered. Ordered that judgmt be entered in favor of pltfs Donne W. Pitman and Mary Kathryn Chapman, executors of estate of H.A. Chapman,d/b/a H.A. Chapman Investments, and against deft AMF Tuboscope, and that total damages be entered in favor of pltfs and against deft in amt of \$533,290.50, in light of this Court's Findings of Fact & Concl. of Law and its supplemental F.F. & C.L.(HDC-J)ra c/m	
10-10	92	BILL OF COSTS. Hrg set 10-17-79, 10:00 A.M. before Clerk of Court. b	
10-17	93	MEMORANDUM by deft of points & authorities.ra	
10-17	Min:	COST HRG held. Costs taxed in amt of \$1,138.40 against Deft AMF-Tuboscope. (JCS-CC)ra entered.	
10-29	94	NOTICE OF APPEAL by deft. from judg. of 10/1/79.rm-c/m counsel and USCA	
10-29	95	APPL. of deft. for order staying final judg. pending appeal and fixing amt. of supersedeas bond. rm (O)	
10-29	---	DOCKETING & FILING FEES PAID. rm	
11-5	---	LETTER from 10th Cir., assigning NO. 79-2155 (deft. appeal)	
11-7	96	ORDER Staying Final Judgment pending appeal & fixing the amt of Deft's Supersedeas Bond at \$650,000.00, due on or before 11-21-79. (HDC-J)b cps mld	
11-7	97	NOTICE of transcript order - transcripts already on file. rm-c/m Circuit	
11-8	98	CERTIFICATE of designation of record on appeal. rm	
11-13	--	APPEAL RECORD (14 vols) re deft. notice of appeal, transmitted to 10th Circuit. rm	
11-13	99	NOTICE OF APPEAL (cross-appeal) by pltf. from order of 10/1/79.rm	
11-13	---	DOCKETING & FILING FEE PAID by pltf. rm	
11-14	----	(CROSS) NOTICE OF APPEAL by pltf. transmitted to 10th Cir. rm c/m	
11-19	100	APPLICATION of Deft's for Enlargement of Time to file its Supersedeas Bond. O to J	
11-20	101	ORDER granting Deft.until 5 days after ruling on Pltf's appl. to be made to Probate Div. of Dist. Ct. for Tulsa Cty.(HDC-J)jc cp/mvt	
11-27	---	LETTER from 10th Cir. assigning 79-2212 (pltf appeal).rm	
2-14-80	102	ORDER (Mandate) of 10th Cir., dismissing appeal on stip. of parties.rm	
2-15	---	APPEAL RECORD (14 vols)recd. from USCA.rm(in exhibit rm.)	